



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN CALVEO

Defendant.

CASE NO. 2:17-MJ-00286

ORDER OF DETENTION

I.

A. ☒ On motion of the Government in a case allegedly involving:

1. ☐ a crime of violence.
2. ☐ an offense with maximum sentence of life imprisonment or death.
3. ☒ a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. ☐ any felony - where the defendant has been convicted of two or more prior offenses described above.
5. ☐ any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C § 2250.

1 B. () On motion by the Government / () on Court's own motion, in a case
2 allegedly involving:

3 () On the further allegation by the Government of:

4 1. () a serious risk that the defendant will flee.

5 2. () a serious risk that the defendant will:

6 a. () obstruct or attempt to obstruct justice.

7 b. () threaten, injure, or intimidate a prospective witness or juror or
8 attempt to do so.

9 C. The Government (X) is/ () is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.

12 **II.**

13 A. (X) The Court finds that no condition or combination of conditions will
14 reasonably assure:

15 1. (X) the appearance of the defendant as required.

16 (X) and/or

17 2. (X) the safety of any person or the community.

18 B. (X) The Court finds that the defendant has not rebutted by sufficient
19 evidence to the contrary the presumption provided by statute.

20 **III.**

21 The Court has considered:

22 A. the nature and circumstances of the offense(s) charged, including whether the
23 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
24 victim or a controlled substance, firearm, explosive, or destructive device;

25 B. the weight of evidence against the defendant;

26 C. the history and characteristics of the defendant; and

27 D. the nature and seriousness of the danger to any person or to the community.
28

1 **IV.**

2 The Court also has considered all the evidence adduced at the hearing and the
3 arguments and/or statements of counsel, and the Pretrial Services
4 Report/recommendation.

5 **V.**

6 The Court bases the foregoing finding(s) on the following:

7 **A. (X) As to flight risk:**

- 8 ☐ Lack of bail resources
9 ☐ Refusal to interview with Pretrial Services
10 ☐ No stable residence or employment
11 ☐ Previous failure to appear or violations or probation, parole, or
12 release
13 ☒ Ties to foreign countries
14 ☒ When the accused activity took place, defendant was on release on

15 bail from a deportation proceeding and was wearing an ankle location monitoring
16 device. While defendant has presented potential sureties for an appearance bond
17 without justification, the Court finds that this (in conjunction with other possible
18 conditions) does not outweigh the other factors indicating risk of flight.

19
20 **B. (X) As to danger:**

- 21 ☐ Nature of previous criminal convictions
22 ☒ Allegations in present charging document
23 ☐ Substance abuse
24 ☐ Already in custody on state or federal offense
25 ☒ Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
26 ☒ Affidavit of agent states that defendant was in a vehicle delivering

27 15 kg of cocaine and that defendant had a .380 bullet in his sock. A .380 pistol
28 was found near the site of the arrest. When the accused activity took place,

1 defendant was on release on bail from a deportation proceeding and was wearing
 2 an ankle location monitoring device. The potential sureties presented by
 3 defendant do not rebut the presumption of danger to others and the community and
 4 would not reasonably assure (in conjunction with other conditions) the safety of
 5 others and the community.

6 **VI.**

7 A. () The Court finds that a serious risk exists that the defendant will:

8 1. () obstruct or attempt to obstruct justice.

9 2. () attempt to/ () threaten, injure or intimidate a witness or juror.

10 B. The Court bases the foregoing finding(s) on the following: _____
 11

12 **VII.**

13 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

14 B. IT IS FURTHER ORDERED that the defendant be committed to the custody
 15 of the Attorney General for confinement in a corrections facility separate, to
 16 the extent practicable, from persons awaiting or serving sentences or being
 17 held in custody pending appeal.

18 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
 19 opportunity for private consultation with counsel.

20 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or
 21 on request of any attorney for the Government, the person in charge of the
 22 corrections facility in which the defendant is confined deliver the defendant to
 23 a United States marshal for the purpose of an appearance in connection with
 24 a court proceeding.

25
 26
 27 DATED: 2/15/2017

28 
 ALEXANDER F. MacKINNON
 UNITED STATES MAGISTRATE JUDGE